

REMARKS

Claims 1-21, 31-38 and 41-44 are pending. By this Amendment, the specification and claims 1, 18 and 20 are amended. Reconsideration in view of the above amendments and following remarks is respectfully requested.

Claims 18 and 20 were rejected under 35 U.S.C. § 102(e) over Ha et al. (U.S. Patent 6,444,965). The rejection is respectfully traversed.

Claim 18 recites, *inter alia*, a user food data base storing information about food to be managed for every user and used in every user's residence. Ha et al. do not disclose or suggest this feature.

With respect to the Examiner's determination that "the features upon which applicant relies...are not recited in the rejected claim(s)," it is respectfully noted that line 2 of claim 18 recites "a user food database storing information about food to be managed for every user." The recitation could not be more clear.

As disclosed, for example, on page 6, lines 18-20 and 23-25, and page 7, lines 6-8 and 26-28, the main data server 1 is provided with a global food data base storing information about all the foods to be managed and the user food data base 7 stores information about management of foods used in the residence 4. As further disclosed, for example on page 10, line 25 through page 11, line 25, foods F1 to Fn and Fk are delivered by a food processing company. The foods are distributed to residences 4 with radio tags 17 being affixed. The radio tags 17 store predetermined food identification codes. When purchased or delivered, the food is put into, for example, a refrigerator 5 of the residence 4. When the code is new, the control circuit 12 of the refrigerator 5 accesses the Internet 9 to the main data server 1, downloading data of the food in the global food data base 2 and adding the data of the food to the local food data base 7.

As claimed, the information about food to be managed for every user and to be used in every user's residence is not cooking data or recipes. As discussed in the previous response, the memory 150 of the microwave oven 200 of Ha et al. does not correspond to the user food data base of claim 18 because the memory 150 does not store information about food to be managed for every user and to be used in every user's residence. As also previously discussed, the memory 150 stores cooking data (e.g. menu selections and cooking operations, including output levels and cooking times) received from the Internet. The information stored in the memory 150 is the same for every user, and is information about

food to be managed for every user and to be used in every user's residence. Accordingly, Ha et al. do not disclose or suggest each and every feature of claim 18 and cannot anticipate or render obvious the claim.

Claim 20 recites a food managing method comprising, *inter alia*, storing, on a user food data base managing food for every user, information about food to be managed.

With respect to the Examiner's allegation that "Applicant fails to provide in the specification a clear and concise description of 'user food database'," as no objection to the specification has been made, the Examiner's allegation is unwarranted. However, as discussed above, the specification includes ample disclosure of the operation of the main food data base 2 and the user food data base 7 for one of ordinary skill in the art to understand their content and operation.

MPEP § states: "During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." MPEP § 2111 further states: "the PTO applies to verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in applicant's specification."

(Underlining emphasis added.) Finally, MPEP § 2111 also states: "Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified."

It is respectfully noted that the claims of the instant application were amended in response to the Examiner's initial rejections under 35 U.S.C. § 112, 1<sup>st</sup> and 2<sup>nd</sup> paragraphs. For the Examiner to require Applicants to amend the claim to clarify the user food data base and the main food data base, to then advance this interpretation at the entry of a final rejection is manifestly unfair to Applicants. The Examiner rejected the claims as indefinite (and chose not to apply any prior art, even though such action is clearly disfavored, as set forth in MPEP § 2773.06), Applicants amended the claims, and the Examiner made no comments regarding the clarity and conciseness of the description of the main and/or user food database in the April 28, 2005 Office Action. Nor did the Examiner inform Applicants of his unreasonably broad interpretation of the claimed user food database in the April 28, 2005 Office Action.

The Examiner's interpretation of the user food database of claims 18 and 20 as "any large or extensive collection of information" is clearly not the broadest reasonable interpretation. Firstly, claims 18 and 20 clearly recite that the user food database stores information about food to be managed for every user and to be used in every user's residence. The user food database of claims 18 and 20 does not store "any" large or extensive collection of information. The Examiner's interpretation simply ignores the claim language. Claims 18 and 20 do not merely recite a user food database storing information. Claims 18 and 20 recite a user food database storing information about food to be managed for every user and to be used in every user's residence.

Secondly, as discussed above, the memory 150 of the microwave of Ha et al. does not store information about food to be managed for every user and to be used in every user's residence. The memory 150 merely stores recipes and cooking data inputted from the Internet.

As Ha et al. does not disclose or suggest each and every feature of claims 18 and 20, Ha et al. cannot anticipate or render obvious claims 18 and 20.

Reconsideration and withdrawal of the rejection of claims 18 and 20 over Ha et al. are respectfully requested.

Claims 19 and 21 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claims 18 and 20, respectively, and for the additional features recited therein. In addition, it is respectfully submitted that Brown et al. (U.S. Patent Application Publication 2004/0078272 A1) fails to cure the deficiencies of Ha et al. with respect to claims 18 and 20, and that even assuming it would have been obvious to combine the references, which Applicants do not concede, such a combination would not result in the invention of claim 18 and/or claim 20.

Claims 1-11 and 41-44 were rejected under 35 U.S.C. § 103(a) over Brown et al. (U.S. Patent Application Publication 2004/0078272 A1) in view of Reber et al. (U.S. Patent 5,798,694) and Turpin et al. (U.S. Patent 5,745,712). The rejection is respectfully traversed.

The undersigned respectfully reiterates his objection to the Examiner's repeated and unwarranted use of the term "essential elements" in relation to the claimed invention. As discussed in the previous response, there are no essential elements, only claimed elements.

With respect to the Examiner's assertions that "[l]imitations appearing in the specification but not recited in the claim are not read into the claim," the undersigned respectfully submits that Applicants are not arguing that the combination of Brown et al.,

Reber et al., and Turpin et al. fails to disclose or suggest limitations appearing in the specification. Applicants argument is that the combination fails to disclose or suggest limitations from the claim, in particular with respect to claim 1 that the combination fails to disclose or suggest a main food data base and a user data base associated with a food storage apparatus and a food processor. These features are clearly and positively recited in claim 1.

The Examiner acknowledges on page 6, lines 4-6, that Brown et al. and Reber et al. fail to disclose these features. The Examiner's reliance on Turpin et al.'s disclosure of "the principles of good data base design" fails to remedy the deficiencies of Brown et al. and Reber et al., and the combination of the three references fails to disclose or suggest all the claim limitations and fails to present a *prima facie* case of obviousness.

As discussed above, the Examiner's allegations on page 18, lines 4-5, that Applicant fails to provide in the specification a clear and concise description of the main food database and the user data server are unwarranted as no objection to the specification has been made. In addition, the allegations are flat wrong. The claimed invention is fully described and enabled by the specification.

With respect to the Examiner's inability to respond to Applicants' arguments that Turpin et al. are non-analogous prior art because Applicants have not stated what problem they were attempting to resolve, Applicants respectfully disagree. Applicants have discussed the problem(s) they are attempting to solve. Page 1, line 17 through page 2, line 24, contains a discussion of several problems that Applicants solve.

Turpin et al. are not from Applicants' field of endeavor, which is clearly described on page 1, lines 13-15, as food management and processing which collectively manages food stored and processed at home. The problems with which Applicants were concerned are not "good database design." Therefore, Turpin et al. are non-analogous prior art.

Applicants respectfully re-submit that there is no motivation to combine Brown et al. and Reber et al., and Turpin et al. as none of the references is concerned with a food processor including the features recited in claim 1.

With respect to the Examiner's conclusion that Applicants are attacking the references individually, Applicants respectfully disagree. As argued on page 11, lines 11, 21 and 31 and page 12, line 4, of the October 25, 2005 response, the combination of Brown et al. and Reber et al. fails to disclose the claimed features. The undersigned's arguments that the combination of references fails to present a *prima facie* case of obviousness could not be more clearly or explicitly presented. As acknowledged by the Examiner, Brown et al. do not

disclose the claimed food processor. Applicants' argument is that Reber et al. don't disclose the claimed food processor either. Thus, by implication, as neither Brown et al. nor Reber et al., nor Turpin et al. for that matter, disclose or suggest the claimed food processor, the combination cannot disclose or suggest the claimed food processor. Therefore, the combination cannot present a *prima facie* case of obviousness.

Claims 2-11 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 1 and for the additional features recited therein.

The combination of Brown et al., Reber et al. and Turpin et al. fails to present a *prima facie* case of obviousness against claim 41 because the combination fails to include all the claim limitations, for example storing on a main food data base information about food to be managed, storing on a user food data base the information about the food to be managed for every user, and inputting an identification code affixed to the food in a food storage apparatus and a food processor with a food processing function. There is also no motivation or suggestion, either in the three references or in the knowledge generally available to one of ordinary skill in the art, to combine the references in the manner done by the Examiner. Furthermore, Turpin et al. are non-analogous prior art and may not be relied upon as the basis for a rejection for non-obviousness.

Claims 42-44 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 41 and for the additional features recited therein.

Reconsideration and withdrawal of the rejection of claims 1-11 and 41-44 over Brown et al., Reber et al. and Turpin et al. are respectfully requested.

Claims 12, 15 and 31-38 were rejected under 35 U.S.C. § 103(a) over Ha et al. in view of Reber et al. Claims 13, 14, 16 and 17 were rejected under 35 U.S.C. § 103(a) over Ha et al. in view of Reber et al. and further in view of Brown et al. The rejections are respectfully traversed.

Ha et al. do not disclose or suggest a main food data base storing information about food to be managed. The memory 150 of the microwave oven 200 of Ha et al. is not a main food data base.

Reber et al. fail to cure the deficiencies of Ha et al. with respect to claim 12. In particular, there is no disclosure or suggestion by Reber et al. of a main food data base storing information about food to be managed. Reber et al. merely disclose a food storage apparatus that monitors a food item within the storage place 24. Accordingly, even assuming it would

have been obvious to combine Ha et al. and Reber et al., which Applicants do not concede, the combination would not include all the limitations of claim 12 and would not present a *prima facie* case of obviousness.

Claims 13 and 14 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 12 and for the additional features recited therein. Moreover, it is respectfully submitted that Brown et al. fail to cure the deficiencies of the combination of Ha et al. and Reber et al. with respect to claim 12 and even assuming it would have been obvious to combine the three references, which Applicants do not concede, the combination would not result in the claimed invention.

Claim 15 is not rendered obvious by the combination of Ha et al. and Reber et al. as the combination fails to disclose or suggest, at least, storing, on a main food data base, information about food to be managed.

Claims 16 and 17 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claim 15 and for the additional features recited therein. It is further respectfully submitted that Brown et al. fail to cure the deficiencies of the combination of Ha et al. and Reber et al. with respect to claim 15 and even assuming it would have been obvious to combine the three references, which Applicants do not concede, the combination would not result in the claimed invention.

The combination of Ha et al. and Reber et al. cannot render obvious claims 31 and 35 as neither reference discloses or suggests a main food data base and a user food data base and thus cannot disclose or suggest access means for accessing via a main data server the main food data base and a data control means for accessing via the user data server the user food data base. The memory 15 of the microwave of Ha et al. is not a user food data base as alleged by the Examiner.

Claims 32-34 and 36-38 recite additional features of the invention and are allowable for the same reasons discussed above with respect to claims 31 and 35, respectively, and for the additional features recited therein.

Reconsideration and withdrawal of the rejections over the combination of Ha et al. and Reber et al. and Ha et al. in view of Reber et al. and Brown et al. are respectfully requested.

In view of the above amendments and remarks, Applicants respectfully submit that all the claims are allowable and that the entire application is in condition for allowance.

HIRAHARA et al. -- 09/928,480  
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Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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